

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA**

In re:)	Case No. 09-16011
)	Honorable Richard L. Bohanon
Michael L. Calloway, Sr.,)	
Lillie E. Calloway,)	
Debtors.)	Chapter 7

**MOTION TO MODIFY AUTOMATIC STAY AND
MOTION FOR TRUSTEE TO ABANDON PROPERTY**

This is a Core proceeding as set forth in 28 U.S.C. Section 157(b)(1)-(2). Chrysler Financial Services Americas, L.L.C. f/k/a DaimlerChrysler Financial Services Americas, L.L.C. ("Chrysler Financial"), is a corporation doing business in Oklahoma and authorized to do so.

COUNT I

1. Chrysler Financial, herein states that this Court has jurisdiction of this matter pursuant to 28 U.S.C., Section 1334 and 157(e), and that the specific Code Sections relied on are:

(a) Title 11 U.S.C. Section 362(a), as to relief from the Automatic Stay; and

(b) Title 11 U.S.C., Section 554(b), as to Chrysler Financial request that Trustee be ordered to abandon property described herein as a burdensome asset of inconsequential value and benefit to the estate.

2. Debtors are Debtors under Title 11, having filed their original Petition seeking benefits of bankruptcy on October 26, 2009.

3. The duly-appointed Trustee for the Estate is a party in interest to these proceedings.

4. Debtors are the owner of property, described as follows: 2006 Chrysler 300, VIN: 2C3KA43R96H366054.

5. Chrysler Financial is the holder of a purchase money security agreement covering the personal property as above described, upon which Chrysler Financial is properly filed and perfected as may be seen from Exhibits attached hereto and incorporated by reference.

6. Debtors are delinquent to Chrysler Financial for all payments due and owing since October 12, 2009, totaling approximately \$609.22.

7. The amount of the secured claim in this case is the sum of \$12,803.33 and, that being the case, there is no equity value in the personal property and it is a burdensome asset to the estate of the Debtors.

8. Upon entry of the Order Modifying Automatic Stay and Order Directing Trustee to Abandon Property, Creditor requests a waiver of the ten (10) day waiting period imposed by Fed. R. Bk. Proc. 4001(a)(3).

COUNT II

9. Chrysler Financial, herein states that this Court has jurisdiction of this matter pursuant to 28 U.S.C., Section 1334 and 157(e), and that the specific Code Sections relied on are:

(a) Title 11 U.S.C. Section 362(a), as to relief from the Automatic Stay; and

(b) Title 11 U.S.C., Section 554(b), as to Chrysler Financial request that Trustee be ordered to abandon property described herein as a burdensome asset of inconsequential value and benefit to the estate.

10. Debtors are Debtors under Title 11, having filed their original Petition seeking benefits of bankruptcy on October 26, 2009.

11. The duly-appointed Trustee for the Estate is a party in interest to these proceedings.

12. Debtors are the owner of property, described as follows: 2006 Chrysler 300C, VIN: 2C3KA43R56H367279.

13. Chrysler Financial is the holder of a purchase money security agreement covering the personal property as above described, upon which Chrysler Financial is properly filed and perfected as may be seen from Exhibits attached hereto and incorporated by reference.

14. Debtors are delinquent in to Chrysler Financial for all payments due and owing since October 12, 2009, totaling approximately \$607.72.

15. The amount of the secured claim in this case is the sum of \$12,742.91 and, that being the case, there is no equity value in the personal property and it is a burdensome asset to the estate of the Debtors.

16. Upon entry of the Order Modifying Automatic Stay and Order Directing Trustee to Abandon Property, Creditor requests a waiver of the ten (10) day waiting period imposed by Fed. R. Bk. Proc. 4001(a)(3).

WHEREFORE, Chrysler Financial prays that the Court remove the stay pursuant to Title 11 U.S.C. Section 362; as same may affect this or any other Creditor with an interest in the subject property, and further requests an Order of Trustee Abandonment of said property and a release of Chrysler Financial and the property included in this bankruptcy so that the Chrysler Financial may proceed to recover said personal property. Chrysler Financial further prays upon entry of the Order Modifying Automatic Stay and Order Directing Trustee to Abandon Property that the ten (10) day waiting period imposed by Fed. R. Bk. Proc. 4001 (a)(3) be waived and that the automatic stay is terminated to allow the Chrysler Financial to send to the Debtors protected by the stay under Title 11 U.S.C. any and all notices required by state and/or federal law, regulation or statute in the action and to pursue all remedies not inconsistent with Title 11 U.S.C.

By: /s/ John W. Mee III
John W. Mee III OBA#013915
50 Penn Place
1900 NW Expressway, Suite 1400
Oklahoma City, OK 73118
Telephone: (405) 848-9100
Facsimile: (405) 848-9101
Attorney for Chrysler Financial

By: /s/ Marilyn J. Washburn
Marilyn J. Washburn, OBA#22814
7700 Bonhomme Avenue, 7th Floor
St. Louis, MO 63105
(314) 727-0101
Attorneys for Chrysler Financial

TIME FOR RESPONSE: Notice is hereby given that you have fourteen (14) days after service of said Motion to file a written response or objection to the requested relief. If no response or objection is timely filed the court may grant the requested relief without further notice. Rule 9006(f) of the Federal Rules of Bankruptcy Procedure allows an additional three (3) days to respond if this notice is served by mail.

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of December, 2009, a true and correct copy of the Motion to Modify Automatic Stay and Motion for Trustee to Abandon Property was electronically served using the CM/ECF system, namely:

Jerry D. Brown
Lyle R. Nelson
Office of the United States Trustee

Attorney for Debtors
Chapter 7 Trustee
United States Trustee

Further, I certify that on the 8th day of December, 2009, copies of the Motion to Modify Automatic Stay and Motion for Trustee to Abandon Property was forwarded via U.S. Mail, first class, postage prepaid and properly addressed on the following at the addresses shown below:

DEBTORS

Michael L. Calloway, Sr.
Lillie E. Calloway
P.O. Box 2031
Edmond, OK 73083

ATTORNEY

Jerry D. Brown, Esq.
5500 N. Western, Suite 150
Oklahoma City, OK 73118

By: /s/ John W. Mee III

John W. Mee III OBA#013915
50 Penn Place
1900 NW Expressway, Suite 1400
Oklahoma City, OK 73118
Telephone: (405) 848-9100
Facsimile: (405) 848-9101
Attorney for Chrysler Financial

By: /s/ Marilyn J. Washburn

Marilyn J. Washburn, OBA#22814
7700 Bonhomme Avenue, 7th Floor
St. Louis, MO 63105
(314) 727-0101
Attorneys for Chrysler Financial